

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 1600

Application No. 10/009,348

Paper Dated June 15, 2005

In Reply to USPTO Final Office Action of March 7, 2005

Attorney Docket No. 702-011892

REMARKS

Claims 36-52 are currently pending in this application. Claims 1-35 were cancelled and claims 36-51 were added by Preliminary Amendment. Claims 47-51 have been withdrawn from consideration in view of an earlier Restriction Requirement. Claims 52 and 53 were added in a previous Amendment dated April 16, 2004, and claim 53 was cancelled in an Amendment After Final dated December 29, 2004. Therefore, claims 36-46 and 52 remain pending in this application.

In the Final Office Action, the Examiner has indicated that the October 1, 2004 Final Office Action was made final in error and, therefore, our Amendment After Final dated December 29, 2005 has been entered. The Examiner has also allowed claims 36-41 and 52.

This Amendment After Final amends claim 42 to include the claim language found in allowed claim 37 which has already been searched by the Examiner. Therefore, the amendment to claim 42 not only places pending claims 36-46 and 52 in condition for immediate allowance (as discussed below), but the amendatory language needs no further searching prior to entry. Entry of the amendment to claim 42 is respectfully requested. Support for the amendment to the claim can be found in the specification and claims as originally filed. No new matter has been added.

The Examiner has maintained the rejection of claims 42-46 under 35 U.S.C. § 103(a) for obviousness over U. S. Patent No. 4,143,109 to Stockum (hereinafter “the Stockum patent”) in view of U. S. Patent No. 5,691,446 to Dove (hereinafter “the Dove patent”) for the reasons discussed on pages 3-5 of the final Office Action. In response, claim 42 has been amended to specify that the rubber latex is natural rubber latex, and to quantify the beneficial properties associated with the homogeneous distribution of starch throughout the natural rubber latex: the allergen activity of the rubber latex is maximally 50% of the allergen activity of natural rubber latex without starch. Support for the amendment to claim 42 can be found, for example, in allowed claim 37, on page 14, lines 6-7 and on page 19, lines 1-2 and 22-27 of the present specification. We believe the amendment to claim 42 further distinguishes the claims over the cited prior art references for the reasons discussed below.

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In the Stockum patent, a glove form 30 is dipped into a composition 34 of natural rubber latex, thus forming an outer layer 15 of glove 10. A suspension 42 comprising elastomeric material 20 comprised mostly of carboxylate styrene butadiene latex and particulate matter 22 (i.e., cross-linked corn starch) provides for a second layer over top of the outer layer 15 of natural rubber latex. The particulate matter 22 is embedded in the inner layer 20 of the elastomeric material (column 3, lines 10-13) and, therefore, the cross-linked corn starch does not mix with or get distributed throughout the natural rubber latex as recited in amended independent claim 42.

The Dove patent, which is directed to a method for reducing allergenicity of natural rubber latex articles, discloses that it may be possible to add screening reagents to the natural rubber latex emulsion as a preliminary manufacturing step. However, this preliminary manufacturing step may not be desirable unless a screening reagent is selected with appropriate partition coefficients and reactivity in order to avoid undesirable interaction with antioxidant and preservative compounds in the natural rubber latex emulsion (column 9, lines 4-17). The Dove patent not only fails to disclose the appropriate screening reagent required to avoid undesirable interactions with the natural rubber latex, but also does not disclose starch as a screening reagent. In view of the above, none of the prior art references teaches or suggests homogeneously mixing a starch with natural rubber latex or the beneficial properties associated with the homogeneous mixing of starch with natural rubber latex. In any case, neither prior art reference nor the two taken together teach or suggest the “maximally 50% allergen activity” now recited in amended claim 42. Because claims 43-46 depend either directly or indirectly from amendments in claim 42, claims 42-46 are believed to be patentable over the Dove patent and the Stockum patent. Accordingly, reconsideration and withdrawal of the rejection of claims 42-46 are respectfully requested.

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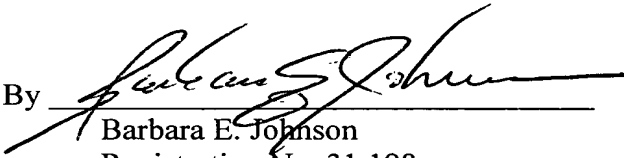
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In view of the foregoing, Applicants believe that claims 42-46 are patentable over the prior art of record and are in condition for allowance. Entry of the amendment to claim 42 and allowance of claims 36-46 and 52 is respectfully requested.

Respectfully submitted,

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